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January 22, 2002

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 - 12th Street, SW
Washington, DC 20554

Re: WT Docket 01-319

Dear Ms. Salas:

On behalf of Spanish Broadcasting System, Inc., we are herewith filing an original and four copies of its Comments in the above-referenced docket pursuant to the Notice of Proposed Rulemaking, 66 Fed. Reg. 65866, published December 21, 2001.

Should any questions arise with respect to this matter, please don't hesitate to contact the undersigned counsel.

Respectfully yours,

KAYE SCHOLER LLP

By: 
Allan G. Moskowitz

AGM/lis

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2. First, SBS supports the Commission's proposal to expedite application processing where there are Quiet Zone implications if the applicant provides written consent from the relevant Quiet Zone entity. This would allow the Commission to eliminate the twenty (20) day comment period specified by Section 1.924(a)(2) of the Commissions Rules. Furthermore, SBS submits that Quiet Zone consent should not required by the Commission's processing staff where the applicant is proposing a modified facility which is technically equivalent to an existing facility.

3. Second, SBS also strongly supports the proposal to allow parties to provide notification to and begin coordination with Quiet Zone entities in advance of filing an application with the Commission. The requirement of Section 1.924(a)(2) that applicants notify Quiet Zone entities simultaneous with the filing of an application at the Commission makes little sense in that it prevents the applicant from planning ahead by coordinating and obtaining a prior consent from the Quiet Zone entity in advance of the filing and, therefore, merely delays the processing of the application.

4. Further, SBS proposes that if advance coordination efforts are not answered by the Quiet Zone entity within thirty (30) days of notification, then concurrence by that Quiet Zone entity should be automatically assumed. Additionally, the rules should be modified to require that an FCC application must be filed within sixty (60) days of the date of Quiet Zone concurrence whether explicit or implied. For example, if a

request for coordination is submitted to a Quiet Zone entity on January 1 and no response has been received by January 31, the applicant should be able to rely on that implied concurrence. The Commission should require that an application is then filed within sixty (60) days of that January 31 date. SBS does not believe that the imposition of a thirty (30) day concurrence period by Quiet Zones entities would be overly taxing or burdensome to the Quiet Zones entities, nor should it result in a backlog of coordination requests. SBS submits that the thirty (30) day concurrence period is necessary to provide applicants with a finite period of time in which to obtain some certainty of response from the Quiet Zone entity and to allow for a more rational and expedited application processing system. SBS' proposal that an application be filed within sixty (60) days of the date of Quiet Zone concurrence is necessary in that it will provide an adequate period of time in which to submit an application and preserve the time limits of the concurrence and not allow it to become "stale".

5. Alternatively, SBS submits that the FCC's existing procedure requiring that an applicant obtain concurrence from a Quiet Zone entity is time consuming and burdensome to the applicant, the Quiet Zone entity and the Commission staff. Consequently, SBS believes that the Commission should consider a new system of Quiet Zone compliance more in line with the Commission's self-certification philosophy and the current realities of its electronic filing process.

6. First, SBS proposes that the Commission establish clear field strength limits for all Quiet Zone locations similar to the limits established in Section 1.924(b)(1) relating to Table Mountain. Once these limits are established, and the applicant certifies that its proposed transmission facility produces a predicted field less than the established limit, no Quiet Zone coordination should be necessary. This certification procedure has a proven track record at the Commission and is a logical step to expedite and streamline application processing for transmitters sited near a Quiet Zone.

7. Additionally, SBS submits that in the event the applicant's proposed transmission facility produces a predicted field more than the established limit but submits a showing with respect to terrain shadowing or another local propagation anomaly which results in a diminished field at the Quiet Zone location, the applicant should be able to certify compliance with the Quiet Zone requirement as long as supporting documentation is submitted.

8. SBS believes that its proposal of a certification with defined technical parameters, which has been successfully applied to expedite and streamline other FCC applications, will assist all parties involved in the process and better preserve the Commission's resources as well.

9. If, however, the Commission concludes that actual prior coordination between the applicant and the Quiet Zone entity must be maintained, SBS submits that (1) no Quiet Zone consent should

be required where the applicant is proposing a modified facility which is technically equivalent to an existing facility and (2) the Commission should allow advance coordination by the applicant with the Quiet Zone office which, if not answered by the Quiet Zone entity within thirty (30) days, must be indicate that Quiet Zone entity concurrence is implied and that an FCC application must be filed within sixty (60) days of Quiet Zone concurrence, either explicit or implied.

Respectfully submitted,

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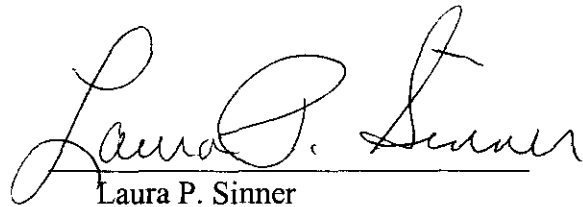
January 22, 2001

CERTIFICATE OF SERVICE

I, Laura P. Sinner, Secretary at the law firm of Kaye Scholer LLP, hereby certifies that a copy of the foregoing ***Comments*** was delivered by hand, this 22nd day of January, 2002 to the following:

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